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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,069	06/25/2003	Tim Hatton		1068

7590 05/09/2006  
Tim Hatton  
4802 Bordeaux Lane  
Mason, OH 45040

EXAMINER

CHENG, JOE H

ART UNIT PAPER NUMBER

3715

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/604,069

Applicant(s)

HATTON, TIM

Examiner

Joe H. Cheng

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all the claimed method steps and structural elements must be shown or the feature(s) canceled from the claim(s). *No* new matter should be entered. Correction is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:  
  
METHOD FOR MEASURING THE LEVEL OF THE KNOWLEDGE.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitations of all the claimed method steps and the structural elements for providing the measurement of the level of knowledge of the self-study process have not been clearly described. In other word, all the claimed method steps and the structural elements have not been clearly set forth, one ordinary skill in the art can not practice the invention as claimed without undue experimentation.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure must be organized and correlated in such a manner as to present a complete operative method. Moreover, the recitation therein is awkward, confusing, and totally unclear in context and cannot be fully comprehended without further clarification. It is not understood as to what is the scope of the claimed invention, because the structural method steps of the claimed method have not been clearly set forth. It is noted that the reference for all the claimed method steps and structural elements are unclear. In other words, it is not

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understood as to what are the steps for performing the claimed method to provide a measurement of the level of knowledge of a student who has gained from a course of self-study. Further, the phrase “and/or” (as per claim 3) render the claim indefinite because it is an alternate expression and is subject to more than one interpretation. Furthermore, the antecedent basis for “the completion of his project” (as per claim 4), “his completed project” (as per claim 5), “the submitted project”, “the student’s mastery of the subject matter” (as per claim 6), “the subject matter” and “the evaluated project” (as per claim 7) has not been clearly set forth.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Vigue et al (U.S. Pub. No. 2004/0081951 A1). The broadly claimed structure can be interpreted as the work/training using an electronic infrastructure of Vigue et al. The teaching of Vigue et al broadly discloses the method for providing measurement of the level of knowledge. The trainee (i.e. student) receives online training lessons ([0003]) and to make a specific projects ([0019]), where the trainee can counsel with peers and experts at the point of need ([0022]). The experts are available online for questions ([0357]) and discuss results of the role play ([0362]) based on

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the evaluation ([0383]) and provide feedback to determine the student's mastery of the subject matter ([0338]).

9. Claims 1-7 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Guirguis (U.S. Pub. No. 2004/0191744 A1). The broadly claimed structure can be interpreted as the electronic training systems and methods of Guirguis. The teaching of Guirguis broadly discloses the method for providing measurement of the level of knowledge. The student receives lectures/lessons online ([0148]) and to make a class presentation or to work with other students on a project thru the remote server ([0130]). The instructor may be an expert in the field ([0135]) and evaluate the student's project or progress to determine the student's mastery of the subject matter ([0150]).

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aycock et al (U.S. Pat. No. 5,765,138) discloses the apparatus and method for providing interactive evaluation of suppliers as proposed vendors for a project. Battilega et al (U.S. Pub. 2001/0037363 A1) discloses the method and system for consulting services to a customer and assisting the customer online in formulating a project by suggesting at least one approach for using consulting services to resolve the problem in the web-based environment. Livesay et al (U.S. Pub. No. 2002/0046147 A1) teaches the method and process for providing relevant data, comparing proposal alternatives, and reconciling proposals, invoice, and purchase orders with actual costs in a workflow process. Hesselink et al (U.S. Pat. No. 6,499,054 B1) and Hesselink

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et al (U.S. Pat. No. 6,732,158 B1) disclose the control and observation of physical device, equipment and processes by multiple users over computer network. Users can perform tasks, such as experiment or environment, and online learning, and receive feedback regarding the input commands. Blumenfeld (U.S. Pub. No. 2003/0191664 A1) teaches the online interactive evaluation of research performance, determining the performance and awarding a contract. McElwrath (U.S. Pub. No. 2004/0009462 A1) teaches the learning system for developing the customized electronic course of study and electronically generating multiple learning modules based on the identified contents of a selected learning preference profile. Steinel et al (U.S. Pub. No. 2004/0039771 A1) discloses the method, computer program and system for carrying out a project from a plurality of differently located electronic data processing devices, which are connected via a data network with a main server. The user can contact with other colleagues or experts in needed. The expert evaluates the results and provides feedback to the remote-control device. Reisman (U.S. Pub. No. 2004/0186738 A1) teaches the method and apparatus for an idea adoption marketplace for learning and social decision support to facilitate the publication, development and/or adoption of useful inventions. Wiegand (U.S. Pat. No. 6,968,293 B2) discloses the method and apparatus for optimizing equipment maintenance, thereby to provide feedback of the efficiency of the maintenance work through the modification of strategies.

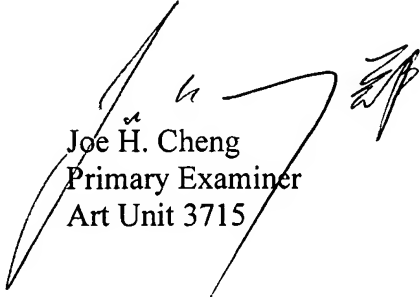
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (571)272-4433. The examiner can normally be reached on Tue. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe H. Cheng  
April 29, 2006



Joe H. Cheng  
Primary Examiner  
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